

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JAN 22 2018

KEITH DONALDO LUNSFORD, # 1408264,

Petitioner,

v.

ACTION NO. 2:17cv49

HAROLD W. CLARKE,
Director of the D.O.C.,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner, a Virginia inmate, alleges violations of federal rights pertaining to his convictions and sentence on May 5, 2009, in the Circuit Court for the City of Hampton. As a result of the convictions, petitioner was sentenced to serve life plus 33 years in the Virginia penal system.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation, filed December 14, 2017, recommends that Respondent's Motion to Dismiss the petition as untimely be granted.

Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On December 18, 2017, the Court received Petitioner's objections to the Report and Recommendation. ECF No. 16. Petitioner objected to the Report and Recommendation for the same reasons advanced in Petitioner's Reply to Respondent's Motion to Dismiss. Petitioner did not attack any specific error in the Magistrate Judge's Report and Recommendation, as is required. See *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007) ("Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party's objection to a magistrate judge's report be specific and particularized.").

In any event, the Court has made a de novo review and concludes that the petition is untimely. Accordingly, the Court does hereby accept the findings and recommendations set forth in the Report and Recommendation, and it is therefore ORDERED that Respondent's Motion to Dismiss is GRANTED, and that the petition is DENIED and DISMISSED as untimely. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby

Street, Norfolk, Virginia 23510, within sixty days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to counsel of record for Petitioner and Respondent.

/s/

Rebecca Beach Smith

Chief Judge



Rebecca Beach Smith

CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 22, 2018